



William D. Reilich
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS MINUTES

OCTOBER 6, 2015

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Albert F. Meilutis, Chairman

Robert J. Bilsky

Andrew P. Forsythe

Thomas Hartwig

Randy T. Jensen

Cathleen A. Nigro

Bradford Shea

Christopher A. Schiano, Esq., Deputy Town Attorney

John Caterino, Planning Assistant

Maryjo Santoli, Zoning Board Secretary

Absent

Additions, Deletions and Continuances to the Agenda

Announcements

BOARD OF ZONING APPEALS MINUTES
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Old Business:

1. Applicant: Dale Ewbank
 Location: 653 Edgemere Drive
 Mon. Co. Tax No.: 035.15-1-32
 Zoning District: R1-E (Single-Family Residential)
 Request: a) An area variance for a proposed addition (12.3 feet x 14.6 feet; 179.6 square feet) to an existing house to have a (east) side setback of 4.0 feet, instead of the 6.0 feet minimum required. Sec.211-11 D (2), Table I
 b) An area variance for a proposed addition (12.3 feet x 14.6 feet; 179.6 square feet) to an existing house to have a front setback of 72.0 feet (measured from the south right-of-way line of Edgemere Drive), instead of the 44.0 feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I
 c) An area variance for proposed lot coverage of 31.2%, instead of the 30.3% granted by the Board of Zoning Appeals on January 2, 2008. Sec. 211-11D (2), Table I

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, the applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 653 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(9) & (12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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Seconded by Mr. Shea and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

Mr. Chairman, with regard to the application of Dale Ewbank, 653 Edgemere Drive, Mr. Ewbank appeared before the Board of Zoning Appeals on September 15th and again this evening, requesting an area variance for a proposed addition (12.3 feet x 14.6 feet; 179.6 square feet) to an existing house to have a (east) side setback of 4.0 feet, instead of the 6.0 feet minimum required; an area variance for a proposed addition (12.3 feet x 14.6 feet; 179.6 square feet) to an existing house to have a front setback of 72.0 feet (measured from the south right-of-way line of Edgemere Drive), instead of the 44.0 feet maximum established by the neighborhood average; and an area variance for proposed lot coverage of 31.2%, instead of the 30.3% granted by the Board of Zoning Appeals on January 2, 2008.

WHEREAS, the findings of facts are as follows. The applicant appeared before the Board of Zoning Appeals on September 15th and again tonight for the aforementioned request. The principal residence is a waterfront property on Round Pond, and the street side is considered the back yard. It is located within an R1-E (Single-Family Residential) zoning district, and the lot size is approximately 50 feet wide by approximately 127 feet deep. This request was continued from the last meeting while staff was waiting for County comments. County comments were received and the applicant will need to have a DEC permit prior to obtaining a building permit due to the proximity to Lake Ontario and Round Pond. The applicant has lived at this property for approximately 2 1/2 years and is requesting an addition for a great room. The addition will be placed and aligned to the existing house on the east and south side and the proposed side setbacks will not increase the existing side setbacks in the existing residence. The applicant will match the siding and roofing with this existing residence. To help with the increased lot coverage due to the proposed addition, the applicant has agreed to remove an existing 10-foot x 10-foot deck platform. The applicant will also be completing a proposed porch, which the Board of Zoning Appeals granted on 3/16/1999 for the rear and side setbacks; this is considered for the lot coverage also. With the lot coverage increasing to 31.2% instead of the 30.3% which was granted by the Board of Zoning Appeals on January 2, 2008, this proposed lot coverage is within the neighborhood average and will not have an adverse effect to the neighborhood. There were no neighbor comments.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions:

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1. That the applicant shall obtain all necessary permits from the Town.
2. That the applicant shall remove the existing 10-foot x 10-foot deck/platform on the south side of the property.
3. That the applicant shall obtain all necessary permits from the DEC before a building permit is issued.

Seconded by Mr. Shea and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Conditions

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2. Applicant: Jeffrey Owen
 Location: 70 Barcrest Drive
 Mon. Co. Tax No.: 060.13-5-18
 Zoning District: R1-E (Single-Family Residential)
 Request: An area variance to allow seven (7) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

On a motion by Mr. Bilsky and seconded by Mr. Hartwig, it was resolved to continue the public hearing on this application until the meeting of October 20, 2015 in order to give the applicant time to gather some information that the Board has requested.

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Continued Until
the Meeting of October 20, 2015

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New Business:

1. Applicant: Walter Kupchock
 Location: 4035 Dewey Avenue
 Mon. Co. Tax No.: 060.06-2-6
 Zoning District: R1-E (Single-Family Residential)
 Request: An area variance for a proposed 6.0-foot-high, closed-
 construction fence (52± linear feet) to be located in a front
 yard, where fences in a front yard and shall not exceed 4.0 feet
 in height and shall be of open construction. Sec. 211-46L

On a motion by Ms. Nigro and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of October 20, 2015 in order to give the applicant time to provide the Board with some additional information.

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

**Motion Carried
Application Continued Until
the Meeting of October 20, 2015**

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2. Applicant: James Russo
 Location: 700 Edgemere Drive
 Mon. Co. Tax No.: 035.14-1-27
 Zoning District: R1-E (Single-Family Residential)
 Request: a) An area variance for a proposed deck (10.0 feet x 14.7 feet; 147 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 49.0 feet (measured from the north right-of-way line of Edgemere Drive), instead of the 42.2 feet maximum established by the neighborhood average; and for said deck to have a proposed (west) side setback of 3.6 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
 b) An area variance for a proposed second-story deck (10.0 feet x 14.7 feet; 147 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only; and for said deck to have a proposed front setback of 49.0 feet (measured from the north right-of-way line of Edgemere Drive), instead of the 42.2 feet maximum established by the neighborhood average; and for said deck to have a proposed (west) side setback of 3.6 feet, instead of the 6.0 feet minimum required. Sec. 211-11 E (3), Sec.211-11 D (2), Table I, Sec. 211-11 E (1), Table I
 c) An area variance for an existing principal structure to have a (west) side setback of 0.5 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I, Sec. 211-22 B (1) (a)
 d) An area variance for an existing principal structure to have a rear setback of 30.8 feet (measured from the centerline of Edgemere Drive), instead of the 113.0 feet minimum required. Sec. 211-11 D (2), Table I, Sec. 211-22 B (1) (a)

On a motion by Mr. Hartwig and seconded by Mr. Bilsky, it was resolved to continue the public hearing on this application until the meeting of October 20, 2015 in order to give Monroe County time to respond with their comments on the request and also to give staff time to re-advertise the request.

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

**Motion Carried
Application Continued Until
the Meeting of October 20, 2015**

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3. Applicant: Joseph Tamburino
 Location: 894 Edgemere Drive
 Mon. Co. Tax No.: 035.10-1-30
 Zoning District: R1-E (Single-Family Residential)
 Request: a) An area variance for a proposed addition (953.8± square feet) to an existing house, to have a rear setback of 42.0 feet (measured from the centerline of Edgemere Drive), instead of the 101.9 feet minimum required. Sec. 211-11 D (2), Table I
 b) An area variance for a proposed driveway length of 12.0 feet, instead of the 22.0 feet minimum required. Sec. 211-41 G
 c) An area variance for an existing house to have a side (east) setback of 0.4 feet, instead of the 6.0 feet minimum required. Sec. 211-11 D (2), Table I
 d) An area variance for an existing house to have a front setback of 72.0 feet, instead of the 57.5 feet maximum established by the neighborhood average. Sec. 211-11 D (2), Table I
 e) An area variance for an existing second-story deck (10.0 feet x 19.9 feet; 199 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as decks, are permitted in rear yards only. Sec. 211-11 E (3)
 f) An area variance for portions of an existing and proposed 6.0-foot-high, closed-construction fence (13± linear feet) to be located within 20.0 feet of the rear lot line of a waterfront lot, where fences shall not exceed 4.0 feet in height and shall be of open construction. Sec. 211-47 A (4)

On a motion by Mr. Bilsky and seconded by Mr. Shea, it was resolved to continue the public hearing on this application until the meeting of October 20, 2015 in order to give the applicant time to provide the Board with some additional information.

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

**Motion Carried
Application Continued Until
the Meeting of October 20, 2015**

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4. Applicant: Beverly Bell
 Location: 65 Shoreway Drive
 Mon. Co. Tax No.: 026.03-2-25
 Zoning District: R1-E (Single Family Residential)
 Request: a) An area variance for a proposed in-ground pool (16.0 feet x 32.0 feet; 512 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as pools, are permitted in rear yards only. Sec. 211-11 E (3)
 b) An area variance for a proposed in-ground pool (16.0 feet x 32.0 feet; 512 square feet) to be located 3.5 feet from an existing deck, instead of the 10.0 feet minimum required. Sec. 114.12.1 B (2)
 c) An area variance for an existing deck (884.5± square feet) to have a front setback of 120.0 feet (measured from the right-of-way line of Shoreway Drive), instead of the 99.0 feet granted by the Board of Zoning Appeals on August 3, 2010. Sec. 211-11 E (1), Table I
 d) An area variance for proposed lot coverage of 29%, instead of the 25% maximum permitted. Sec. 211-11 D (2), Table I

Mr. Forsythe offered the following resolution and moved for its adoption:

WHEREAS, the Applicant came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 65 Shoreway Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c)(10) & (12).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, SEQRA requires no further action relative to this proposal.

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Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried

Mr. Forsythe then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Beverly Bell, 65 Shoreway Drive, Mrs. Bell appeared before the Board of Zoning Appeals this evening, requesting an area variance for a proposed in-ground pool (16.0 feet x 32.0 feet; 512 square feet) to be located in the front yard of a waterfront lot, where accessory structures, such as pools, are permitted in rear yards only; an area variance for a proposed in-ground pool (16.0 feet x 32.0 feet; 512 square feet) to be located 3.5 feet from an existing deck, instead of the 10.0 feet minimum required; an area variance for an existing deck (884.5± square feet) to have a front setback of 120.0 feet (measured from the right-of-way line of Shoreway Drive), instead of the 99.0 feet granted by the Board of Zoning Appeals on August 3, 2010; and an area variance for proposed lot coverage of 29%, instead of the 25% maximum permitted.

WHEREAS, the findings of fact are as follows. The parcel is located at 65 Shoreway Drive and is located in an R1-E (Single-Family Residential) neighborhood. The applicant, Beverley Bell, appeared before this Board this evening, saying she has lived at the residence for approximately four years. She has proposed that the pool to be located in the front yard instead of the rear yard because of the waterfront property, it is considered the front yard even though it is the rear yard. Regarding the pool, she has agreed to sign a Hold Harmless agreement. The deck that is under Item "C" has been previously installed, and the Zoning Appeals has approved that to stay without another permit. The lot coverage of 29% is not overly egregious to the 25% maximum permitted. The applicant as indicated and agreed to sign a Hold Harmless agreement and has agreed to review and understand the Greece Swimming Pool Law associated with a pool, and is also agreeing to abide by all Town zoning laws and codes.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this Section, and having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community and that the benefit to the applicant is substantial, and having found that this is a Type II action under SEQRA, requiring no further action by this Board, I move to approve this application with the following conditions:

1. That Mrs. Bell signs a Hold Harmless agreement.
2. That all permits are obtained.
3. That all building codes are adhered to.
4. That this approval is for the life of the pool.

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Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

VOTE:	Mr. Bilsky	Yes	Mr. Forsythe	Yes
	Mr. Hartwig	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Ms. Nigro	Yes
	Mr. Shea	Yes		

Motion Carried
Application Approved
With Conditions

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MODIFICATION TO NEIGHBORHOOD NOTIFICATION:

1. Applicant: Smith Creek Estates, Ltd.
 Location: 243 Hillbridge Drive
 Mon. Co. Tax No.: 044.04-11-15
 Zoning district: R1-E (Single Family Residential)
 Request: a) An area variance for a proposed freestanding entrance
 identification sign (7.0 feet x 10.0 feet; 70.0 square feet),
 including a decorative wall support, for a single-family dwelling
 development, where said sign shall be no greater than 20
 square feet in size. Sec. 211-52 A (3) (c)
 b) An area variance for a proposed freestanding entrance
 identification sign to have a height of 7.0 feet, where the
 highest side of said sign shall not exceed 3.0 feet above the
 ground. Sec. 211-52 A (3) (d)
 c) An area variance for 16± linear feet of wall and decorative
 structure with a height of 7.0 feet to be located in a front,
 where fences located in a front yard shall be of open
 construction and not exceed 4.0 feet in height. Sec. 211-46 L

The above-referenced applicant has requested a modification of the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this request is the large size of the entire parcel, of which this site is but one part, and the many properties which would be included in the notification but which are not near the subject of the area variance.

On a motion by Mr. Jensen and seconded by Mr. Hartwig, it was resolved to amend the Neighborhood Notification for the area variances submitted by Smith Creek Estates, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels fronting Macintosh Drive, both sides of the street in the immediate area, which are the parcels in the immediate vicinity that potentially would be most affected by the proposed area variances.

VOTE:	Mr. Bilsky	Yes	Mr. Jensen	Yes
	Mr. Hartwig	Yes	Mr. Meilutis	Yes
	Ms. Nigro	Yes	Mr. Riley	Yes
	Mr. Shea	Yes		

Motion Carried
Request Granted

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ADJOURNMENT: 8:45 p.m.

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Albert F. Meilutis, Chairman

Date: _____

NEXT MEETING: October 20, 2015